

## **Oregon Court of Appeals Rules in Favor of City of West Linn**

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**Appeals Court Upholds Trial Court's Decision That Former Mayor Dodds' Claims Against the City are Nonjusticiable, and Orders Dodds to Pay Court Costs**

**Oregon Court of Appeals Rules in Favor of City of West Linn on Issue of City Council's Ability to Make Legislative Determination**

WEST LINN – The Oregon Court of Appeals ruled in favor of the City of West Linn on an appeal of a trial court judgment related to City Council decision making authority on legislative matters. The plaintiff in the case was former mayor David Dodds, who filed for a writ of review in trial court and then appealed the trial court's decision to the appeals court.

At issue was a 2005 resolution by the City Council changing the designation of a parcel of City land from "open space" to "city owned." The plaintiff argued that the City Council exceeded its jurisdiction by making this designation without voter approval. The holding legal opinion was that unless specifically limited in a charter, a city has the power to engage in discretionary legislative determinations, and such determinations are non-justiciable. A case that is justiciable is appropriate or proper for judicial consideration or resolution; in this ruling, it was determined that Mr. Dodds' case was not appropriate for judicial review because the City acted within its given abilities to make legislative decisions.

View the full text of the ruling here: <http://www.publications.ojd.state.or.us/A133476.htm>

The City Council's decision to change the designation of the parcel of land was made because the land is not vacant property, and thus is not an "open space." The designation of "city owned" is sufficient given the land parcel's characteristics.

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**Supporting Documents**

## Oregon Court of Appeals Rules in Favor of City of West Linn

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